

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE CHEROKEE NATION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
and)	
)	
THE CITIZEN POTAWATOMI NATION,)	
<i>et al.</i> ,)	Case No. CIV-19-1198-D
)	
Plaintiffs/Intervenors,)	
)	
vs.)	
)	
J. KEVIN STITT, <i>et al.</i> ,)	
)	
Defendants.)	

**RESPONSE REGARDING PLAINTIFFS AND INTERVENORS’ MOTION FOR
FINAL JUDGMENT ON RENEWAL CLAIMS**

Defendant/Counterclaimant J. Kevin Stitt in his official capacity as Governor of the State of Oklahoma (the “Governor”) and *ex rel.* State of Oklahoma as the real party in interest (collectively referred to as “Oklahoma”), respectfully submit this Response to Plaintiffs and Intervenor Plaintiffs’ Motion for Final Judgment on Renewal Claims and Brief in Support (the “Motion”). [Dkt. No. 154].

On July 28, 2020, this Court found that “Plaintiffs’ and Intervenors’ Compacts with the State of Oklahoma automatically renewed for an additional 15-year term on January 1, 2020, by operation of the unambiguous terms of Part 15(B).” Order [Dkt. No. 149] at 10. The Court directed the parties to inform the Court of what issues remained for decision by

August 7, 2020. *Id.* The Court subsequently ordered the parties to file any motion under Fed.R.Civ.P. 54(b) by September 4, 2020. Order [Dkt. No. 153].

In their Motion, counsel for all tribes (except the Seminole Nation) informed the Court that counsel for the parties had discussed these issues and that counsel for Oklahoma did not oppose Rule 54(b) certification consistent with its notice of August 7, 2020. [Dkt. No. 151]. Oklahoma agrees that, consistent with its Notice of August 7, 2020, [Dkt. No. 151] identifying resolved and outstanding issues, Rule 54(b) certification is appropriate of the issues expressly and impliedly resolved by the Court in its July 28, 2020, Order determining that the compacts at issue have renewed. Those issues identified in Plaintiffs and Intervenor's Motion and Oklahoma's August 7, 2020, Notice relating to certain claims between the Wichita Tribe and Oklahoma not resolved by the Court's July 28, 2020, Order are separate and remain outstanding, and are not appropriate for Rule 54(b) certification here at this time.

Respectfully Submitted,

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**ATTORNEYS FOR J. KEVIN STITT,
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AND EX REL. THE STATE OF OKLAHOMA**

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2020, I electronically transmitted the attached document to the Clerk of Court using the Electronic Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/Phillip G. Whaley
Phillip G. Whaley